

1. Creation of restrictions upon the ability of a juvenile to waive counsel.
  - a. No waiver if felony, mandatory sentence, sex offense, risk of out of home placement
  - b. Must have advice of counsel for waiver
  - c. Presumption of indigence for purposes of advisement on waiver
  - d. Judge may accept waiver only after determining in language appropriate to the youth's developmental stage that the waiver is knowing, intelligent, and voluntary, which includes determining
    - i. Whether youth has been advised of possible collateral consequences
    - ii. Whether youth understands possible sentence options
    - iii. Waiver is not result of parental pressure
    - iv. Youth understands qualified counsel will be provided if parents unable or unwilling to retain.
  
2. Timing of appointment of counsel and the process of determining indigence. (Potentially including the issue of parental refusal of counsel.)
  - a. Youth in detention and at first appearance are presumed indigent.
  - b. Presumption continues unless
    - i. Valid waiver or Child appears with private counsel
    - ii. PD represents if qualified under indigence guidelines.
    - iii. If not eligible for PD, ADC represents with power to recoup expense
  - c. ADC and PD provide all defense unless waived or private counsel retained. No parent refusal counsel
  
3. All detained youth represented by counsel at hearing regardless of family income
  - i. Notice youth is in detention sent to PD and ADC same time as sent to DA and SB94 committee
  - ii. SB94 screening materials and other documents and discovery sent to PD and ADC same time as sent to DA and court
  - iii. Detention hearings held at a time that allows time for consultation with attorney before hearing.
  - iv. Scope of hearing limited to whether to detain. No combining with preliminary hearing or advisement.
  - b. Appointment of PD at detention hearing is limited appointment and would not create conflict if PD subsequently represent a co-defendant
  
4. Change PD statute to allow post-disposition representation on issues including placement, services, access to education.
  
5. ADC and PD develop training programs on juvenile representation. Incorporate principles of Positive Youth Development, use of social workers as resources, knowledge of programs and services available through county, courts, DYS and NYC.
  - a. To the extent practicable, staff juvenile cases with attorneys trained in specialty
  - b. Create a target caseload that allows investigation of multi-systemic needs and continued representation after disposition.

6. Summons used for first appearance must include in plain language understandable to someone with an 8<sup>th</sup> grade education that they may request counsel before proceeding, counsel may be appointed for them if they cannot afford one, and they may retain counsel if they choose. If they retain counsel they should seek the assistance of an attorney with experience representing juveniles in the juvenile justice system.
7. Judicial Districts that do not have dedicated a juvenile court, shall assign juvenile delinquency petitions, insofar as practicable, to one courtroom. [possibly do resolution requesting Chief Justice Directive on this issue]